CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

MARCH 18, 2008

INVOCATION:
Assistant City Manager Haydon gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Trujillo led the pledge of allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, Senior Assistant City Attorney/Utilities Counsel Stockton, Assistant City Manager Haydon, Director of Public Works/City Engineer Whitehead, Director of Utilities Sweet, Director of Recreation and Parks Posada, Accounting Manager Harvey, Planning Division Manager Woods, Assistant Fire Chief Moreno, Advance Planner Smith, Planner III Shipsey, and Chief Deputy City Clerk Perez.

ANNOUNCEMENTS
Mayor Lavagnino announced that Community Development Director Lindsey was not present due to a health issue. He was home from the hospital and doing better. The Council wished him well and a speedy recovery.

Mayor Lavagnino announced that he, Utilities Director Rick Sweet and Tom Fayram from the Santa Barbara County Flood Control and Water Conservation District went to Los Angeles on March 4th and met with Colonel Magnus of the Army Corps of Engineers regarding the levee. The City was able to get about $280,000 for a study of the levee; however, the study was estimated to cost about $440,000. At that time, Colonel Magnus told them the Army Corps of Engineers would make up the difference to do the study. Their goal was to begin construction by September 2009. Additionally, he, Utilities Director Sweet, and Assistant City Manager Haydon, went to Washington, D.C. on March 12th and met with Senator Boxer's and Senator Feinstein's staff, Congressman Gallegly, Congresswoman Capps, representatives from the Army Corps of Engineers, and a representative from the Senate Appropriations Committee. About $2 million is needed for the design and $8 million for construction. The City won't hear anything until late this year; however, they were told by everyone they met with that the Santa Maria River Levee project was a top priority. The City and County are actively doing everything possible to solve the problem with the levee.

PROCLAMATION – MEDIATION WEEK
Councilmember Zacarías read a proclamation declaring the week of March 16 through 22, 2008, as "Mediation Week" in the City of Santa Maria and encouraging residents to engage in mediation to resolve conflict whenever possible. The proclamation was accepted by Robert Burrs.

PROCLAMATION – NATIONAL AGRICULTURE WEEK
Councilmember Patino read a proclamation declaring the week of March 16 through 22, 2008, as "National Agriculture Week" in the City of Santa Maria to celebrate the contributions and honor the achievements of farmers, ranchers, and all jobs relating to California agriculture. The proclamation was accepted by Janice Shoun and Joyce Chrisman.

VOLUNTEER OF THE MONTH
Councilmember Orach presented a gift to Jaime Harrington, Recreation and Parks Department Volunteer of the Month for March 2008, for her dedication and commitment to the Northern Santa Barbara County Special Olympics floor hockey program.

PUBLIC COMMENT
Michael Clayton spoke regarding a video he received showing that there were apparent leaks occurring at the Santa Maria Landfill from hazardous tanks. He indicated he had met with representatives from regional offices who monitor landfills and would be meeting with the City Attorney and others on Thursday. He submitted the video to the City Council.

Utilities Director Sweet stated he asked the regulators, who had seen the video, if there were violations, and he was told there were not.

Vibiana Saavedra, representing the Santa Maria Community Coalition, spoke regarding the 2007 General Plan Annual Report. She commended staff for the report and said it should have been on the regular agenda to allow for a full discussion and public input. She asked several questions regarding vacancies in the Community Development Department, addressing the shortage of very low and low-income housing, plans to amend the City's Sphere of Influence, and proposed annexations.

Art Foster announced that two weeks ago he took six students from Santa Maria High School to a professional racing competition. He said when they started last November building a race car, it was his hope to just make it to the event. But they ended up being hundredth's of a second from winning the event. They qualified 14th in a field of 72 entries. The kids were amazing. It was amazing what young people could do when given the opportunity. They were not only excellent mechanics, they were "A" students.

Paula James asked the Council to direct the Chief of Police to gather information from the Department of Homeland Security and U. S. Immigration and Customs Enforcement on 287(g) so they were fully informed and had the tools necessary to prevent crime by illegal aliens.
City Manager Ness summarized a report by Police Commander Ritz regarding 287(g). Not a single city in California had received the training. Only Sheriffs Departments in California had received the training because they had 72-hour holding facilities which was one of the requirements. The training took five full weeks of classes offered only in the State of Georgia. There was currently a one-year waiting list. An agency, the size of Santa Maria, would probably want to train two fulltime officers and one records clerk. Training three employees would cost the City approximately $63,000.

Mickey Freeman stated she was a member of the Minuteman Civil Defense Corps. She addressed several comments that were made in the local newspaper regarding the Minuteman meeting on February 20th.

Paul Bongiorno stated he works from home, but for the last couple of weeks he worked in the fields to prove that Americans could still do farming work. He was paid in cash and was not asked for ID. He said 60 percent of low-income housing goes to illegal aliens and two thirds of illegal alien heads of households do not possess a high school education. That same family contributes $9,000 in taxes, but costs taxpayers $32,000 in benefits. With more than 12 million illegal aliens, the total tax burden was $2.2 trillion.

Larry Bargenquast stated he had been in Santa Maria for about 7 years. He chose to live here after he retired. He expressed concern about the illegal aliens coming to this City. Almost every day there were letters in the Santa Maria Times calling the Minuteman Civil Defense Corps racists and bigots. He said it was time to secure the borders and keep the County and the City safe.

CONSENT CALENDAR
Councilmember Patino requested Item 3-F be pulled for comment. Councilmember Zacarías requested Item 3-G be pulled for comment.

Item F – 2008 Investment Policy
Councilmember Patino commented that the Investment Policy had served the City very well, it was very conservative and cautious. She commended staff for the policy.

Item G – 2007 General Plan Annual Progress Report
Councilmember Zacarías commended the Santa Maria Community Coalition for their comments and questions on the report. She said she did not see any recommendations for policy changes in the document.

Planning Division Manager Woods stated there were no policy changes in the document. It was just a report of last year's activities on the General Plan.

Councilmember Zacarías asked if there would be another opportunity to discuss some of the issues. She said she would like to participate in any meeting with the Coalition.

The Mayor asked that staff reply with answers later in the week to the Coalition's questions about the General Plan Annual Progress Report.

Consent Calendar Items A through N were approved, with direction to staff as mentioned, on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of March 4, 2008, were approved as submitted.

C. CABLE TELEVISION ORDINANCE
Second reading of Ordinance No. 2008-05 amending the Municipal Code by adding a new Chapter 4-11A and a new Chapter 9-16, to regulate video service providers that hold State video service franchises and to conform with the California Digital Infrastructure and Video Competition Act of 2006 was conducted by title only and adopted.

Ordinance No. 2008-05 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING TITLE 4, BY ADDING A NEW CHAPTER 4-11A OF THE MUNICIPAL CODE ESTABLISHING FRANCHISE AND P.E.G. FEES AND CUSTOMER SERVICE PENALTIES AND A NEW CHAPTER 9-6 REGARDING PERMITTING AND PUBLIC RIGHT OF WAY FOR THE STATE OF CALIFORNIA VIDEO FRANCHISE HOLDERS PROVIDING VIDEO SERVICE WITHIN THE CITY OF SANTA MARIA.

D. WARRANTS
Warrant Nos. 140489 to 140820 in the amount of $2,997,686.28 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 131992 and 132272 were cancelled.

E. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

F. 2008 INVESTMENT POLICY
Resolution No. 2008-30 was adopted approving the City of Santa Maria's 2008 Investment Policy.

Resolution No. 2008-30 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING THE CITY'S 2008 INVESTMENT POLICY.

G. 2007 GENERAL PLAN ANNUAL REPORT
Council received and filed the 2007 General Plan Annual Report and directed the City Clerk to file said report with the State Office of Planning and Research (OPR) and Housing and Community Development Department (HCD).

H. ANNUAL WEED ABATEMENT
Resolution No. 2008-31 was adopted declaring weeds and rubbish to be a nuisance and commencing proceedings for the commencement of the annual weed abatement program and setting a public hearing for April 15, 2008, to consider any objections or protests.

Resolution No. 2008-31 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DECLARING THAT NOXIOUS AND DANGEROUS WEEDS ARE GROWING UPON OR IN FRONT OF THE LISTED PROPERTY, AND RUBBISH, REFUSE AND DIRT ARE UPON OR IN FRONT OF THE LISTED PROPERTY AND THAT THEY CONSTITUTE A PUBLIC NUISANCE WHICH MUST BE ABATED, AND COMMENCING PROCEEDINGS FOR THE ABATEMENT OF THESE NUISANCES PURSUANT TO TITLE 5, CHAPTER 8 OF THE SANTA MARIA MUNICIPAL CODE.

I. NOTICE OF CONTRACT COMPLETION
Council approved the Notice of Contract Completion for the Hanson Way Reconstruction – Stowell Road to West Main Street Project, Bid No. 2007/07 and authorized the City Clerk to record the Notice.

J. ONE-HOUR PARKING ZONES
Resolution No. 2008-32 was adopted establishing one-hour parking zones on Roemer Way and Roemer Court.

Resolution No. 2008-32 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING ONE-HOUR PARKING ZONES ON ROEMER WAY AND ROEMER COURT PURSUANT TO SECTION 7-5.14 OF THE SANTA MARIA MUNICIPAL CODE.

K. TWO-HOUR LIMITED TIME PARKING ZONE
Resolution No. 2008-33 was adopted establishing a two-hour limited time parking zone on Tama Lane near Meredith Lane.

Resolution No. 2008-33 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A TWO-HOUR LIMITED TIME PARKING ZONE ON TAMA LANE PURSUANT TO SECTION 7-5.14 OF THE SANTA MARIA MUNICIPAL CODE.

L. NO STOPPING ZONE
Resolution No. 2008-34 was adopted establishing a no stopping zone on College Drive near Park Avenue.

Resolution No. 2008-34 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ESTABLISHING A NO STOPPING ZONE ON COLLEGE DRIVE PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

M. NO STOPPING ZONE
Resolution No. 2008-35 was adopted establishing a no stopping zone on West Battles Road near South Broadway.

Resolution No. 2008-35 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ESTABLISHING A NO STOPPING ZONE ON WEST BATTLES ROAD PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

N. ANNEXATIONS
Resolution Nos. 2008-36, 2008-37, 2008-38, and 2008-39 were adopted approving the annexation and assessment of nine parcels into the City's four Landscape Maintenance Districts and Special Benefit Zones.

Resolution No. 2008-36 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO SEVILLA LOCATED IN THE SOUTH MILLER STREET/SOUTH COLLEGE DRIVE LANDSCAPE MAINTENANCE DISTRICT (STREET AND HIGHWAYS CODE SECTION 22500, ET SEQ.).

Resolution No. 2008-37 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO CHEN COMMERCIAL, ST. JOHN NEUMANN CHURCH, AND CHURCH STREET RETAIL LOCATED IN THE NORTHWEST LANDSCAPE MAINTENANCE DISTRICT (STREET AND HIGHWAYS CODE SECTION 22500, ET SEQ.).

Resolution No. 2008-38 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO ROEMER COURT PARCEL MAP, EASTRIDGE ESTATES, AND FARM SUPPLY STORAGE BUILDINGS LOCATED IN THE NORTHEAST LANDSCAPE MAINTENANCE DISTRICT (STREET AND HIGHWAYS CODE SECTION 22500, ET SEQ.).

Resolution No. 2008-39 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO TACO BELL RESTAURANT AND C-4 DEVELOPMENT LOCATED IN THE SOUTHWEST LANDSCAPE MAINTENANCE DISTRICT (STREET AND HIGHWAYS CODE SECTION 22500, ET SEQ.).

TENTATIVE MAP FOR THE CALE-WEST STREET SUBDIVISION
Planning Division Manager Woods gave the staff report. The City Council was asked to consider a recommendation from the Planning Commission to approve a tentative map that would create eight small residential lots ranging in size from 1,774 square feet to 2,323 square feet and one common lot that would be approximately 13,417 square feet. The property was located at 302-308 West Street and zoned PD/R-2 (Planned Development/Medium-Density Residential). On February 20, 2008, the Planning Commission held a public hearing and adopted Resolution No. 2499 on a 5-0 vote recommending the City Council approve the tentative map. Although tentative maps were normally approved by the Planning Commission, this project proposes lot sizes less than the 6,000 square foot minimum that was permitted in the R-2 zoning district. The General Plan allowed nine units on the property; however, the applicant was proposing eight units. A Planned Development Permit was being proposed concurrently with the tentative map and was scheduled for the Planning Commission meeting on March 19, 2008. She indicated that after the tentative map was recorded, the applicant would be applying for a lot line adjustment to remove the pop outs necessary for the existing residences.

Councilmember Orach asked if the lot line adjustment had to come back to Council at a later date once the tentative map was approved.

Planning Division Manager Woods stated the future lot line adjustment would be processed by staff and would not have to go to the Planning Commission or City Council.

Councilmember Zacarías said she did not think the two architectural designs were compatible with each other. She asked if it was going to be one or the other or a combination of both.

Planning Division Manager Woods stated they would be building both styles, alternating the units.

Councilmember Trujillo stated the project was a thousand percent better than what was there now. He said it was a very good project that had taken a lot of time and money to get this far.

Mayor Lavagnino asked if the Planned Development Permit would have to come back to the City Council.

Planning Division Manager Woods explained that the Planning Commission would act on the Planned Development Permit, and it would not have to come back to the Council.

Mayor Lavagnino opened the public hearing.

Bill Orndorff, representative for the applicants, stated it had taken over three years to get to this point. There had been a lot of problems with the site. This was an improvement for the area. He said if the Council wanted to go with only one architectural style, that would be acceptable to the applicant. The zoning on the site would allow nine units, but they were proposing eight units.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Councilmember Zacarías commended Mr. Cale for his commitment and patience and for making the project happen. She said this was creating a little community. She indicated she would support going with only one elevation.

Resolution No. 2008-40 approving the tentative map for Cale-West Street Subdivision was adopted with direction to the Planning Commission to consider one elevation for the project on motion by Councilmember Zacarías, seconded by Councilmember Patino, and carried on the following vote:

AYES: *Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino*
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2008-40 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE TENTATIVE MAP FOR CALE-WEST STREET, TRACT 5915, LOCATED AT 302-308 WEST STREET.

APPOINTMENTS TO ALL-AMERICA CITY COMMITTEE

Chief Deputy City Clerk Perez gave the staff report. On January 15, 2008, the City Council filled five of six vacancies on the All-America City Committee. Insufficient applications were received for the Youth position on the Committee. Staff was directed to readvertise that one vacancy. Following that meeting, two other members of the Committee resigned leaving vacancies for one Ethnic Diversity position and one Community Education position. All three vacancies were advertised and six applications were received. Nominations would be made by Councilmember Orach (Community Education), Councilmember Patino (Ethnic Diversity), and Councilmember Zacarias (Youth). Applications were received from: Jamie Flores (Business, Ethnic, or Low/Moderate Income), Willie Green (Business, Community Education, Ethnic), Robert Huber (Business, Ethnic, Low/Moderate Income, Non-profit), Jose Huitron

(Ethnic), Johnny Magana (Youth), and Samuel Marin (Youth). All positions would serve out the unexpired terms due to expire in January 2009.

Councilmember Orach nominated Willie Green for the Community Education position.

Councilmember Patino nominated Robert Huber for the Ethnic Diversity position.

Councilmember Zacarías nominated Samuel Marin for the Youth position.

On motion by Mayor Lavagnino, seconded by Councilmember Orach, and carried unanimously, all three nominations were accepted and appointments made.

CITY MANAGER'S REPORT

City Manager Ness reported on items for the April 1, 2008, City Council meeting including five proclamations, award of the bid for the Library Signage Package, a Business Attraction and Retention Loan, a recommendation to continue the Breeze Bus Service for the next six years, and a Mitigated Negative Declaration for the Los Flores Ranch Passive Recreation Project.

City Manager Ness announced that shortly after 4:00 p.m., there was a shooting at a Santa Maria business, Black Road Auto. Police confirmed that four persons were shot and killed. It was preliminarily being described as a workplace violence incident. The suspect had been arrested and taken into custody.

Police Chief Macagni said it was a pretty tragic event. The scene had been rendered safe. The suspect was in custody, and the weapon had been recovered. The Police Department received great cooperation from the Highway Patrol and Santa Barbara County Sheriff's Department. The Police officers arrived on the scene very quickly after receiving the call and were able to apprehend the suspect very quickly. He said their hearts and prayers go out to the families and friends of the victims.

City Manager Ness stated Community Development Director Kirk Lindsey was now home and resting. A week ago, he suffered what appeared to be a brain hemorrhage. He was supposed to be resting so the family had asked that no one visit him at this time. He said our hearts and prayers go out to him and his family for a speedy recovery.

City Manager Ness announced that a test call was being planned for the Connect-CTY emergency notification system. On March 27th there would be a test of the system. The system would provide City officials with the ability to communicate to all residents regarding time sensitive and public safety matters. The system would require no additional hardware and could be used from any computer with internet access or just a telephone. Residents did not have to do anything at this time. However, if residents did not receive a call on March 27th, they could visit the City's website or call the City to register their landline or their cell phones.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Orach had no report.

Councilmember Zacarías stated she participated in a survey by the Salvation Army regarding the needs of the community. She attended the new PCPA production called ART which was very good. She was still volunteering on Saturdays to do income tax returns for low-income families.

Councilmember Patino thanked Mayor Lavagnino and Supervisor Gray for going to Washington, D.C. to meet with federal representatives on the levee. On March 18th, she attended the Substance Abuse Treatment Court Graduation with Judge Flores. On March 10th, she went to Sacramento with Supervisor Joni Gray who was named "Woman of the Year" by Assemblyman Sam Blakeslee.

Councilmember Trujillo stated on March 15th, he attended the St. Patrick's Day dinner at St. Mary's Catholic Church sponsored by the Knights of Columbus with all proceeds going to Catholic Charities. He also attended the Santa Maria Valley YMCA dinner on

March 12th. On March 14th, he was a speaker for the Military Officers Association at Vandenberg Air Force Base where he talked about Santa Maria and the levee. On March 13th, he attended the Merrill Gardens Grand Opening for their new section.

ADJOURNMENT
There being no further business to come before the City Council at this time, Mayor Lavagnino declared the meeting adjourned at 8:00 p.m.

APPROVED

April 1, 2008
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Chief Deputy City Clerk

Mayor of the City of Santa Maria